

ESTTA Tracking number: **ESTTA581614**Filing date: **01/13/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Omega SA (Omega AG) (Omega Ltd.)
Granted to Date of previous extension	01/12/2014
Address	Jakob-Stampfli-Strasse 96 Biel/Bienne CH-2502, SWITZERLAND
Attorney information	Mr. Jess M. Collen Collen IP The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES tgulick@collenip.com, ogelber@collenip.com, docket@collenip.com Phone:(914) 941-5668

**Applicant Information**

Application No	85855823	Publication date	07/16/2013
Opposition Filing Date	01/13/2014	Opposition Period Ends	01/12/2014
Applicant	Alpha Omega Epsilon, Inc. 4731 Arlington Boulevard Arlington, VA 22203 WI		

**Goods/Services Affected by Opposition**


Class 014. First Use: 1983/00/00 First Use In Commerce: 1983/00/00 All goods and services in the class are opposed, namely: Jewelry
Class 025. First Use: 1983/00/00 First Use In Commerce: 1983/00/00 All goods and services in the class are opposed, namely: Hats; Jackets; Shirts; Sweat pants; Sweat shirts; Sweaters


**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	25036	Application Date	05/23/1894
Registration Date	07/24/1894	Foreign Priority	NONE

		Date	
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1894/03/10 First Use In Commerce: 1894/03/10 WATCH MOVEMENTS AND WATCH CASES		

U.S. Registration No.	577415	Application Date	10/23/1952
Registration Date	07/14/1953	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1894/00/00 First Use In Commerce: 1894/00/00 WRIST WATCH BRACELETS, BANDS AND STRAPS		

U.S. Registration No.	578041	Application Date	10/23/1952
Registration Date	07/28/1953	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 014. First use: First Use: 1894/00/00 First Use In Commerce: 1894/00/00 WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING
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Attachments	70025036#TMSN.gif( bytes ) 71637075#TMSN.gif( bytes ) 71637074#TMSN.gif( bytes ) P890_Notice of Opposition_140113.PDF(501803 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Oren Gelber/
Name	Oren Gelber
Date	01/13/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

Applicant : Alpha Omega Epsilon, Inc.  
Serial No. : 85855823  
Filed : February 21, 2013  
For : AΩE  
Published : July 16, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
Box TTAB-Fee  
P. O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Omega S.A. (Omega AG) (Omega Ltd.), 96 Rue Jakob Stampfli, Biel/Bienne 2502, Switzerland, a corporation duly organized and existing under the laws of Switzerland, ("Omega" or "Opposer") through their attorneys, believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

(1) Omega is and has been engaged in the sale and marketing of similar and highly related goods and services to those recited by Applicant in its application to register since a time prior to the date of first use alleged by Applicant in its application for registration.

(2) Omega is and has been engaged in the sale and marketing of goods under the registered trademarks Ω and OMEGA, since at least as early as 1894.

(3) Omega is the owner of the following valid and subsisting U.S. trademark registrations, including:

OMEGA (AND DESIGN)	REG. NO.	25,036	Exhibit 1
OMEGA (AND DESIGN)	REG. NO.	577,415	Exhibit 2
OMEGA (AND DESIGN)	REG. NO.	578,041	Exhibit 3

and others (collectively referred to as the OMEGA Marks). (See Exhibits 1 -3, attached)

(4) Omega has used its OMEGA Marks in commerce extensively and has acquired a considerable and valuable goodwill and wide scale recognition for its mark. The public has come to associate OMEGA and the OMEGA symbol “Ω” marks, with Opposer and Opposer's goods and services. The public has come to associate the OMEGA Marks with Opposer and Opposer's goods and services, which include not only watches and sports timing products, but clothing, accessories, and other goods and services, including retail services.

(5) Omega's registrations are *prima facie* proof of ownership and use of the mark from the original date of filing of the application, pursuant to 15 U.S.C. 1057(b), and of the exclusive right to use the registered mark in commerce. Furthermore, Registration Numbers 25,036; 577,415 and 578,041 are incontestable, pursuant to section 15 of the Trademark Act.

(6) Applicant's mark is confusingly similar to Omega's registered trademarks and is likely, when applied to the goods of the Applicant, to cause confusion, or to cause mistake or to deceive. 15 U.S.C. § 1052(d). Applicant's mark makes a highly similar commercial impression to Opposer's mark due to its incorporation of an OMEGA mark, creating a

virtually identical sound and appearance. Applicant has completely appropriated Opposer's entire mark. The overall commercial impression of Applicant's mark, when applied to the same or similar goods, would cause confusion or be likely to cause confusion, mistake, or deception.

(7) The Opposer has a long history of sale and offering for sale of goods in Classes 014 and 025. The Opposer has also used its mark in a variety of ways in sponsorships and in areas such as sports timing in a highly visible way, including but not limited to as an official sponsor and official timekeeper for the Olympic Games in Beijing, China in 2008, Vancouver, Canada in 2010, London in 2012 and the upcoming 2014 Olympics in Sochi, Russia, as well as other professional and amateur contests. Opposer is in the field of advertising and marketing its goods and involved in sponsorships and endorsement, which form a major component of the Opposer's brand marketing efforts in the U.S. and abroad.

(1) Omega has used its OMEGA Marks in commerce extensively and has acquired a considerable and valuable goodwill and wide scale recognition for its mark. The public has come to associate the OMEGA Marks with Opposer and Opposer's goods and services. The public has come to associate the OMEGA marks with Opposer and Opposer's timepieces, jewelry, sports timing products, clothing, accessories, and sports promotion.

(2) On information and belief, use by the Applicant will cause confusion, mistake and deception with respect to those goods and services, by virtue of the Opposer's prior use and fame of its OMEGA mark.

(3) On information and belief, both the Applicant's mark and the OMEGA Marks are applied to highly related goods and services are likely to be sold to the same or similar

channels of distribution. Applicant's mark so resembles Omega's OMEGA registrations and well-known trademarks, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

(4) In addition, even use of the OMEGA symbol "Ω" mark with additional symbols, as depicted in Applicant's application, is highly similar to the manner in which the Opposer uses its marks.

(5) Upon information and belief, Applicant's actions would substantially harm the Opposer, by permitting registration in favor of Applicant for a mark which the Opposer used on its goods from an earlier date.

(6) Opposer's OMEGA mark is famous and well-known in the United States and throughout the world.

(7) On information and belief, the Applicant's mark is likely to diminish and dilute the value and distinctive character of Opposer's famous OMEGA mark, thus damaging the Opposer.

OPPOSER Omega prays that this application Serial No. 85855823, be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Omega.

Respectfully submitted for  
Opposer, OMEGA S.A.

By: Oren Gelber

Jess M. Collen  
Thomas P. Gulick  
Oren Gelber  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Ave  
Ossining, NY 10562  
(914) 941-5668  
(914) 941-6091

DATED: January 13, 2014

Encls.: Exhibits 1-3  
Opposition fee \$300.00 per class (\$600.00)

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK  
OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT  
ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS NOTICE OF OPPOSITION IS BEING FILED  
ELECTRONICALLY WITH THE UNITED STATE PATENT AND TRADEMARK  
OFFICE.

COLLEN IP, THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND  
AVENUE, OSSINING, NEW YORK 10562

By: Oren Gelber

Date: January 13, 2014



# EXHIBIT 1

original

Renewed to  
Societe Anonyme Louis Brandt & Frere Omega Watch Co.  
Renewed July 24-1944 to Societe Anonyme Louis Brandt  
& Frere Omega Watch Co., an organized company of  
Switzerland.

## UNITED STATES PATENT OFFICE.

LOUIS BRANDT & FRÈRE, OF BIENNE, SWITZERLAND.

### TRADE-MARK FOR WATCH-MOVEMENTS AND WATCHCASES.

STATEMENT and DECLARATION of Trade-Mark No. 25,036, registered July 24, 1894.

Application filed May 23, 1894.

#### STATEMENT.

To all whom it may concern:

Be it known that we, LOUIS BRANDT & FRÈRE, a firm domiciled and doing business in Bienne, Switzerland, have adopted for our use a Trade-Mark for Watch-Movements and Watchcases, of which the following is a full, clear, and exact specification.

Our trade-mark consists of the arbitrary sign of the last letter of the Greek alphabet. This has generally been arranged as shown in the accompanying fac-simile, in which it appears above the word "Omega." But it may be differently arranged and the word "Omega" may be omitted without materially altering the character of our trade-mark, the essential feature of which is the Greek letter "Ω."

This trade-mark has been continuously used by us in our business since March 10, 1894.

The class of merchandise to which this trade-mark is appropriated is horology, and the particular description of goods comprised in such class on which it is used by us is watch-movements and watch-cases. It is usually affixed to the goods by stamping or by printing it upon suitable labels which are afterward placed upon the packages containing the articles.

Signed this 2d day of May, 1894.

LOUIS BRANDT & FRÈRE.

Witnesses:

EDOUARD HAAS,  
ALF. H. BESSIR.

#### DECLARATION.

United States consulate Berne Switzerland ss.

LOUIS PAUL BRANDT being duly sworn deposes and says that he is a member of the firm of LOUIS BRANDT AND FRÈRE, the applicants named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said firm has at this time a right to the use of the trade-mark therein described; that no other person, firm or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that it is

used by the applicants in commerce between the United States and foreign nations and particularly with Switzerland; and that the description and fac-simile presented for record truly represent the trade-mark sought to be registered.

LOUIS PAUL BRANDT.

Sworn to and subscribed before me this 14th day of June, 1894.

[L. S.]

JOHN E. HINNEN,  
U. S. Vice-Consul.

Republished, under the Act of 1946, Jan. 17, 1950, by  
Omega Louis Brandt & Frere, S. A., Bienne, Switzerland.

New Certificate issued November 18, 1952, under Sec. 7c for unexpired term to Omega Louis Brandt & Frere S. A., of Biienne, Switzerland, a corporation of Switzerland, by change of name from Societe Anonyme Louis Brandt & Frere Omega Watch Co.



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### Assignments on the Web > Trademark Query

## Trademark Assignment Abstract of Title

#### Total Assignments: 2

Serial #: 70025036

Filing Dt: 05/23/1894

Reg #: 25036

Reg. Dt: 07/24/1894

Registrant: LOUIS BRANDT & FRERE

Mark: OMEGA

#### Assignment: 1

Reel/Frame: 0440/0955

Recorded: 05/20/1983

Pages: 0

Conveyance: CHANGE OF NAME 19820324

Assignors: TIPP-EX FABRIKATION WOLFGANG DABISCH CHANGED TO

TIPP-EX TECHNIK WOLFGANG DABISCH CHANGED TO

Assignee: WOLFGANG DABISCH

Correspondent: HENRY L. SHENIER  
380 LEXINGTON AVE.  
NEW YORK, NY 10168

Exec Dt: 03/24/1982

Entity Type: UNKNOWN

Citizenship: NONE

Exec Dt: 00/00/0000

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

#### Assignment: 2

Reel/Frame: 0444/0955

Recorded: 05/05/1983

Pages: 3

Conveyance: CHANGE OF NAME 19820624

Assignor: OMEGA LOUIS BRANDT & FRERE S.A.

Assignee: OMEGA SA (OMEGA AG) (OMEGA LTD.)

Correspondent: HENRY L. SHENIER  
SHENIER & O'CONNOR  
380 LEXINGTON AVE.  
NEW YORK, NY 10168  
SHENIER AND O'CONNOR

Exec Dt: 03/16/1983

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4  
Web interface last modified: Jul 8, 2013 v.2.3.4

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# EXHIBIT 2

Int. Cl.: 14

Prior U.S. Cl.: 28

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 577,415

Registered July 14, 1953

Renewal Term Begins July 14, 1993

TRADEMARK  
PRINCIPAL REGISTER

Ω OMEGA

OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION)

96 RUE JAKOB STÄMPFLI  
2503 BIENNE, SWITZERLAND, BY  
CHANGE OF NAME FROM OMEGA  
LOUIS BRANDT & FRERE, S. A.  
(SWITZERLAND CORPORATION)  
BIENNE, SWITZERLAND

OWNER OF U.S. REG. NOS. 25,036  
AND 566,370.

FOR: WRIST WATCH BRACELETS,  
BANDS, AND STRAPS, IN CLASS 28  
(INT. CL. 14).

FIRST USE 0-0-1894; IN COMMERCE  
0-0-1894.

SER. NO. 71-637,075, FILED 10-23-1952.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Nov. 22, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered July 14, 1953

Registration No. 577,415

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

Omega Louis Brandt & Frère, S. A.,  
Bienne, Switzerland

Act of 1946

Application October 23, 1952, Serial No. 637,075

**Ω OMEGA**

**STATEMENT**

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WRIST WATCH BRACELETS, BANDS AND STRAPS, in Class 28, Jewelry and precious-metal ware, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied by stamping the same thereon, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894 and was first used in commerce which may lawfully be regulated by the Congress, viz commerce between the United States and Switzerland in 1894.

Applicant owns the following U. S. registrations: Nos. 25,036 and 566,370.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT & FRÈRE, S. A.,

By ADOLPHE VALLAT,

*Commercial Manager*

COMB. AFF. SEC. 8 & 15

FEB 2 - 1959



United States Patent and Trademark Office

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**Trademark Assignment Abstract of Title**

**Total Assignments: 1**

**Serial #:** [71637075](#)

**Filing Dt:** 10/23/1952

**Reg #:** [577415](#)

**Reg. Dt:** 07/14/1953

**Registrant:** OMEGA LOUIS BRANDT & FRERE, S. A.

**Mark:** OMEGA

**Assignment: 1**

**Reel/Frame:** [1134/0327](#)

**Recorded:** 02/18/1994

**Pages:** 5

**Conveyance:** INDEX NAME CHANGE RECORDED ON NOVEMBER 13, 1987 AT REEL 0582 FRAME 0575 - EFFECTIVE AS OF JUNE 24, 1982

**Assignor:** [OMEGA LOUIS BRANDT & FRERE, S.A.](#)

**Exec Dt:** 06/24/1982

**Entity Type:** CORPORATION

**Citizenship:** SWITZERLAND

**Assignee:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

96 RUE STAMPFLI 2503 BIENNE, SWITZERLAND

**Entity Type:** CORPORATION

**Citizenship:** SWITZERLAND

**Correspondent:** MCGLEW & TUTTLE, P.C.

JESS M. COLLEN

SCARBOROUGH STATION

SCARBOROUGH, NY 10510-0827

Search Results as of: 01/13/2014 04:59 PM  
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Web interface last modified: Jul 8, 2013 v.2.3.4

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# EXHIBIT 3

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 578,041

Registered July 28, 1953

Renewal Term Begins July 28, 1993

**TRADEMARK  
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION)  
BIENNE, SWITZERLAND, BY CHANGE OF NAME FROM OMEGA LOUIS BRANDT & FRERE, S.A. (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND

OWNER OF U.S. REG. NOS. 25,036 AND 566,370.

FOR: WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES

WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOP-WATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, IN CLASS 27 (INT. CL. 14).

FIRST USE 0-0-1894; IN COMMERCE 0-0-1894.

SER. NO. 71-637,074, FILED 10-23-1952.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on June 21, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered July 28, 1953

Registration No. 578,041

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

Omega Louis Brandt & Frère, S. A.,  
Bienne, Switzerland

Act of 1946

Application October 23, 1952, Serial No. 637,074



**STATEMENT**

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods; to tags or labels fastened to the goods; or to the containers, and requests that the same be registered in the United States

Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894, and was first used in commerce which may lawfully be regulated by Congress, viz., commerce between the United States and Switzerland in the same year. Such first usage was on watches.

Applicant owns the following U. S. registrations: Nos. 25,036 and 566,370.

The applicant hereby designates Chauncey P. Carter, of 4400 Kingle Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT &

FRÈRE, S. A.,

By ADOLPHE VALLAT,

Commercial Manager.

COMB. AFF. SEC. 8 & 15

FEB 2 - 1959



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Assignments on the Web > Trademark Query

**Trademark Assignment Abstract of Title**

**Total Assignments: 1**

**Serial #:** 71637074

**Filing Dt:** 10/23/1952

**Reg #:** 578041

**Reg. Dt:** 07/28/1953

**Registrant:** OMEGA LOUIS BRANDT & FRERE, S.A.

**Mark:** OMEGA

**Assignment: 1**

**Reel/Frame:** 1135/0407

**Recorded:** 04/12/1994

**Pages:** 5

**Conveyance:** CHANGE OF NAME EFFECTIVE 6-24-82.

**Assignor:** OMEGA LOUIS BRANDT & FRERE S.A.

**Exec Dt:** 04/15/1987

**Entity Type:** CORPORATION

**Citizenship:** SWITZERLAND

**Assignee:** OMEGA SA (OMEGA AG) (OMEGA LTD.)  
BIENNE, SWITZERLAND

**Entity Type:** CORPORATION

**Citizenship:** SWITZERLAND

**Correspondent:** JESS M. COLLEN  
MCGLEW AND TUTTLE, P.C.  
SCARBOROUGH STATION  
SCARBOROUGH, NY 10510-0827

Search Results as of: 01/13/2014 05:00 PM  
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Web interface last modified: Jul 8, 2013 v.2.3.4

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